THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.27666 of 2005

Dated: 04th September, 2006

Between:

G.Yogendra. **…..PETITIONER**

AND

Dredging Corporation of India Ltd.,
a Govt. of India Undertaking,
"Dedge House", Port Area, Visakhapatnam,
rep by its Manager (P & A) (FE). **….RESPONDENT**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.27666 of 2005

ORDER:

This writ petition is filed seeking a direction to the respondent Corporation to appoint the petitioner as Monthly Paid Worker pursuant to the letter dated 1-10-2001 and interview conducted on 17-10-2001.

The father of the petitioner is a Mechanic in the respondent Corporation and while working as such he died. Petitioner made an application to the respondent Corporation seeking appointment on compassionate grounds. Subsequently, the respondent Corporation on 29-6-2001 addressed a letter to the petitioner asking to make an application in case he is interested to work as Monthly Paid Worker. Pursuant to the said letter petitioner made an application and consequently he received a letter dated
1-10-2001 calling for interview for the post of Monthly Paid Worker. Petitioner appeared for the interview on 17-10-2001 with all supporting documents and submitted attested copies of all the documents.

Learned counsel for the petitioner submitted that though he appeared for interview on 17-10-2001 for the post of monthly paid worker his case was not considered till now. The learned counsel

therefore prayed that the writ petition be allowed and the respondents be directed to appoint the petitioner as monthly paid worker.

The Deputy General Manager (HR), Dredging Corporation of India Limited filed counter affidavit on behalf of the Corporation. It is stated in the counter that the employees of the Corporation are covered under two establishments viz., Floating Establishment and Shore Establishment. The service of the petitioner's father comes under Floating Establishment and there is no provision of appointing the dependants of the deceased employee under the Floating Establishment. But, however, it is stated that as a welfare measure the Corporation was considering to provide employment to the dependants of the deceased employees subject to availability of vacancies and there is no scheme of providing employment to the children of deceased employees as a matter of routine. It is further stated that as per the procedure communication will be sent to the selected candidates, and in the instant case, as the petitioner was not selected he was not communicated and it does not confer any right on the petitioner just because he was called for interview.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the corporation and perused the counter affidavit filed by the Corporation.

A perusal of the counter affidavit would disclose that there is no scheme in the respondent Corporation providing employment to the dependants of the deceased employee. But as a welfare measure the respondents have asked the petitioner to apply for Monthly Paid Worker. The respondent Corporation after considering the case of the petitioner called him for interview and in the interview the petitioner was not selected. The petitioner was not informed further because he

was not selected in the interview. Merely because the petitioner was called for interview it does not confer any right on him to claim employment. Be that as it may, it is seen from the counter that the family members of the deceased employee Sri T.Y. Gondla received all the terminal benefits as per eligibility.

The petitioner as a matter of right cannot claim appointment on compassionate grounds. Providing of appointment on compassionate grounds is an exception to the normal rule of recruitment, and it depends upon the several factors. Further, compassionate appointment is given to the dependant of the deceased employee to provide immediate succor to the bereaved family so that they can overcome the distress. Though, the death of an earning person brings distress to his family members, in the instant case, as is seen from the counter filed by the respondent, the family members of the petitioner, after the death of his father, was paid an amount of Rs.2,09,536.90/- towards terminal benefits and insurance. Apart from the terminal benefits, the material also discloses that they are also getting Rs.1,350/- towards family pension. The quantum of amount received by the family members of the petitioner towards terminal benefits and the pension being received, clearly go to show that the petitioner is not in any financial distress.

For the foregoing reasons, I find no merit in the writ petition, and the same is accordingly dismissed.

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(N.V. RAMANA, J.)

Date:04th September, 2006.

GRK